

RESOLUTION NO. 2013 – 3

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION AS
THE NATIONAL CITY REDEVELOPMENT AGENCY APPROVING THE
SUCCESSOR AGENCY'S APRIL 2, 2013 AUTHORIZATION OF
THE REMOVAL OF AN OBSOLETE BACKFLOW FLAPPER VALVE LOCATED AT 922 WEST
23RD STREET TO ADDRESS THE ISSUANCE OF A VIOLATION NOTICE FROM
SWEETWATER AUTHORITY ON AN EMERGENCY BASIS AS DECLARED BY
THE CITY ENGINEER, SUBJECT TO THE PROVISIONS OF
THE CALIFORNIA PUBLIC CONTRACT CODE FOR EMERGENCY
REPAIRS, TO REMOVE THE BACKFLOW VALVE, AND AUTHORIZE
THE ALLOCATION OF \$40,000 OF REDEVELOPMENT PROPERTY TAX TRUST FUNDS
IDENTIFIED IN ROPS 2 AND 3, ITEM NO. 101, FOR "GENERAL PROPERTY
MANAGEMENT" AND/OR OTHER FUNDS ON HAND IN RELATION TO ANOTHER
ROPS 2 OR 3 ITEM, CONCURRENT WITH A COMMITMENT TO REIMBURSE THE
SUCCESSOR AGENCY AS TO THAT ITEM UPON APPROVAL OF ROPS 13-14A,
WHICH LISTS SAID BACKFLOW AS AN ENFORCEABLE OBLIGATION

WHEREAS, this Oversight Board is vested with the authority and responsibility to approve and work with the County Auditor/Controller and the State of California to determine the scope and nature and scope of the enforceable obligations of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency ("Successor Agency"); and

WHEREAS, such enforceable obligations include but are not limited to the Successor Agency's obligation to manage real property that it owns in compliance with all applicable authority, including but not limited to authority that protects the health, safety and welfare of the community with respect to the potable water system; and

WHEREAS, while installing a new water facility, Sweetwater Authority discovered an obsolete backflow flapper valve connected to their water service that provides water to the fire sprinkler system at the Historic Train Depot located at 922 West 23rd Street, which property is owned by the Successor Agency; and

WHEREAS, the obsolete valve is not an allowable means to prevent backflow into the potable water system, could put human health at risk, and therefore needs to be replaced immediately; and

WHEREAS, the Board of the Successor Agency found on April 2, 2013, based on substantial evidence, *(i)* that the emergency presented by this valve did not permit a delay resulting from a competitive solicitation for bids, and *(ii)* that the action was necessary to respond to the emergency, and therefore approved and adopted a resolution by a four-fifths vote granting approval for staff to proceed with this project on an emergency basis as declared by the City Engineer, subject to the provisions of the California Public Contract Code, and authorize the use of \$40,000 for this project; and

WHEREAS, the Successor Agency and this Oversight Board approved Item No. 166 on the Recognized Obligation Payment Schedule ("ROPS 13-14A"), in the amount of \$40,000, specifically to remove this backflow valve; and

WHEREAS, ROPS 13-14A is currently under review by the county Auditor/Controller and the state Department of Finance, but due to the possible health and safety risks involved, this project cannot be deferred until the start of the new ROPS cycle, which commences on July 1, 2013; and

WHEREAS, in its approval of Item No. 101 on ROPS 2 and 3, this Oversight Board and the Successor Agency identified \$60,000 of Redevelopment Property Tax Trust Funds ("RPTTF") for dedication to "General Property Management," which includes the removal of this valve; and

WHEREAS, the Oversight Board of the Successor Agency and the state Department of Finance approved ROPS 2 and 3, including but not limited to Item No. 101; and

WHEREAS, additional "RPTTF" identified in ROPS 2 and/or 3 are on hand, and may be required to fund the removal of this valve to the extent that any deficiency may exist with respect to the Successor Agency's capacity to fund the removal *via* funds previously allocated to the enforceable obligation identified in ROPS 2 and 3 as No. 101; and

WHEREAS, Staff will communicate and cooperate with the Department of Finance regarding the substance and implementation of this resolution; and

WHEREAS, all actions of this Oversight Board are adopted by resolution in accord with California Health and Safety Code Section 34179, subdivision (e).

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency hereby approves the Successor Agency's action, taken by Resolution on April 2, 2013, to move forward with the emergency repair to the backflow flapper valve to prevent harm to the public water supply, to authorize the use of \$40,000 of the amount identified in ROPS 2 and 3, Item No. 101, for General Property Management, and/or to temporarily allocate other RPTTF on hand, subject to reimbursement and reallocation of said RPTTF, on a dollar for dollar basis, upon the Successor Agency's receipt of RPTTF in relation to Item No. 166 as listed on ROPS 13-14A; and

BE IT FURTHER RESOLVED that the Oversight Board makes this approval based upon the true and correct recitals above, each of which it hereby incorporates into this Resolution by this reference; and

BE IT FURTHER RESOLVED that notice of this Resolution shall be transmitted to the state Department of Finance by electronic means and shall take effect at the time provided in California Health and Safety Code Section 34179, subdivision (h); and

BE IT FURTHER RESOLVED that the Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution.

April 17, 2013

The foregoing resolution was duly and regularly PASSED and ADOPTED at a regular meeting of the Oversight Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency on this 17th day of April, 2013, by the following vote:

AYES: Aguirre, Desrochers, Morrison, Perri, Hentschke,

NOES: None

ABSENT: Carson, Donaldson

ABSTAIN: None


Ron Morrison, Chairman

ATTEST:



Brad Raulston, Executive Director
Secretary to the Oversight Board

APPROVED AS TO FORM:



Edward Z. Kotkin
Cummins & White
Oversight Board Counsel